

**UNITED STATES DISTRICT COURT
DISTRICT OF ALASKA**

UNITED STATES OF AMERICA,
Plaintiff,

vs.

LAMSON SONEOULAY,
Defendants.

No. 3:20-cr-00021-TMB-DMS

**REPORT AND
RECOMMENDATION¹ TO DENY
DEFENDANT'S RENEWED MOTION
TO COMPEL REASONABLE
ACCESS TO COUNSEL AND
DIGITAL DISCOVERY [Dkt. 173]**

On July 26, 2020, defendant Soneoulay filed a motion to compel the Alaska Department of Corrections (DOC) to provide him with reasonable access to counsel and digital discovery in his case (Dkt. 88). On December 8, 2020, the Court issued a report and recommendation recommending that the District Court deny the motion (Dkt. 149). On January 11, 2021, the District Court adopted and accepted the report and recommendation and the motion was denied (Dkt. 153).

On March 5, 2021, Soneoulay moved to join a motion to compel reasonable access to counsel and digital evidence filed by defendants in *U.S. v. Shanholtzer*, 3:19-cr-00112-TMB-DMS (Dkt. 173). The Court permitted Soneoulay to join the motion (Dkt. 190).

An evidentiary hearing on the motion was conducted on March 15, 2021 (Dkt. 186) and continued on March 31, 2021 (Dkt. 194). At the conclusion of the hearing, the Court requested

¹ This report and recommendation is being issued as a final report and recommendation. Pursuant to Fed. R. Crim. P. 59(b)(3), any objections will be considered by the District Court Judge who will accept, reject, or modify the recommendation, or resubmit the matter to the Magistrate Judge for additional consideration and recommendations.

updated requested relief from the defendants, further briefing from the DOC or the government on the legal issues, and any response from the defendants (Dkt. 194 at 68). Soneoulay did not file updated requested relief nor did he file a response to the DOC's briefings.

On May 24, 2021, Soneoulay filed a notice of intent to change his plea to guilty and enter a plea agreement (Dkt. 209). A proposed change of plea hearing is currently scheduled for June 11, 2021. In light of Soneoulay's notice to enter a guilty plea and the absence of additional briefings as requested by the Court, the Court recommends that the District Court **DENY** Soneoulay's renewed motion for access to counsel and digital discovery.

Attached is the Court's report and recommendation issued in *Shanholtzer*, which recommends that the District Court grant in part and deny in part the defendants' motion (3:19-cr-00112-TMB-DMS at Dkt. 301).

DATED this 7th day of June, 2021 at Anchorage, Alaska.

/s/Deborah M. Smith
CHIEF U.S. MAGISTRATE JUDGE